

From: [Gutierrez, Raul](#)
To: [Little, James MVN](#)
Cc: [Kitto, Alison](#); zchain@wlf.la.gov; [Soileau, David](#); [Elizabeth Johnson \(DEO\)](#); [Crawford, Dorothy](#)
Subject: MVN-2014-01380; Magnolia LNG, LLC
Date: Tuesday, September 8, 2015 8:47:00 AM

James,

The Environmental Protection Agency (EPA) has reviewed the Public Notice dated August 17, 2105, concerning Department of the Army Permit Application Number MVN-2014-01380, submitted by Magnolia LNG, LLC. The applicant is proposing to clear, grade, fill and/or excavate and develop a tract, totaling approximately 115 acres, in order to construct the proposed LNG facility, roadways, support facilities and appurtenant structures. Approximately 832,000 cubic yards of sediment will be dredged from a 16.2 acre area required for the recessed ship berthing on the south shore of the Industrial Canal. The dredged area footprint will have be approximately 1,900 feet long by 350 feet wide and 44 feet in depth. A hydraulic cutterhead dredge will be used and the material transported via 2.5 miles of temporary dredge pipeline along the edge of the Calcasieu River to a 307 acre beneficial use disposal site north of Calcasieu Lake. Approximately 204,200 cubic yards of upland soil would be excavated and relocated onsite, 73,000 cubic yards from the berthing area and 131,200 cubic yards from the remainder of the site. Approximately 7.02 acres of jurisdictional wetlands and 313.4 acres of Section 10 & 404 waters would be impacted by project implementation. The applicant has proposed that beneficial use of their dredge material to create 282.0 acres of emergent wetlands, will offset their proposed project impacts. The comments that follow are being provided for use in reaching a decision relative to compliance with the EPA's *404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230)*.

The jurisdictional wetlands that would be impacted by this project not only provide wildlife habitat, but also perform valuable water quality maintenance functions by removing excess nutrients and pollutants from the water. They also provide floodwater storage. As you are aware, wetland areas such as those proposed to be impacted have experienced a tremendous decline in Louisiana. The *404(b)(1) Guidelines* prohibit the discharge of dredged or fill material into waters of the United States, including wetlands, if there is a practicable alternative.

The EPA does not object to the project as proposed provided that the applicant has satisfied the requirements of the *404(b)(1) Guidelines*. This should include providing adequate compensatory mitigation within the project watershed for all unavoidable impacts that should fully offset all lost functions and values. Additionally, there is more information contained within the public notice regarding Section 10 and 404 issues than there was in the draft EIS. This information needs to be included in the final EIS so that all of the pertinent information made available to the public is contained within one document. Thank you for the opportunity to review and comment on the public notice.

Raul Gutierrez, Ph.D.

Wetlands Section (6WQ-EM)

US EPA Region 6

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From: [Gutierrez, Raul](#)
To: [Little, James W Jr CIV USARMY CEMVN \(US\)](#)
Subject: RE: Magnolia LNG, LLC(MVN-2014-01380-WII)FINAL DRAFT PERMIT BUDM Plan and 2nd EFH Request
Date: Monday, December 19, 2016 8:41:00 AM

We are good with the proposed beneficial use of dredged material for marsh restoration. Thanks for coordinating!
Raul Gutierrez

-----Original Message-----

From: Little, James W Jr CIV USARMY CEMVN (US) [<mailto:James.Little@usace.army.mil>]
Sent: Thursday, December 15, 2016 4:01 PM
To: richard.hartman@noaa.gov; Twyla Cheatwood - NOAA Federal <twyla.cheatwood@noaa.gov>; Zachary Chain <zchain@wlf.la.gov>; Gutierrez, Raul <Gutierrez.Raul@epa.gov>
Cc: Barbara, Darrell S CIV USARMY CEMVN (US) <Darrell.Barbara@usace.army.mil>; Mayer, Martin S CIV USARMY CEMVN (US) <Martin.S.Mayer@usace.army.mil>; Little, James W Jr CIV USARMY CEMVN (US) <James.Little@usace.army.mil>
Subject: Magnolia LNG, LLC(MVN-2014-01380-WII)FINAL DRAFT PERMIT BUDM Plan and 2nd EFH Request

Dear Mr. Hartman:

In accordance with the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the Department of the Army, Corps of Engineers must provide the National Marine Fisheries Service (NMFS) with a detailed response to comments regarding potential impacts of a proposed action on EFH at least 10 days prior to the Corps taking final action on a permit application.

This correspondence constitutes official notification that the New Orleans District, Corps of Engineers, intends to grant a Department of the Army permit to Magnolia LNG, LLC to construct a new LNG facility and beneficially use their dredged spoil material to create marsh, near Lake Charles, Louisiana, within Calcasieu Parish.

In response to your original comment letter dated September 8, 2015, the applicant has provided a response and concurrence to your recommendations. Enclosed is a draft copy of our Department of the Army (DA) permit, special conditions and the Final Beneficial Use of Dredged Material Plan.

Please notify this office at your earliest possible convenience or within 10 days of this letter, as to your concurrence to permit issuance or if you have further recommendations relevant the proposed project and authorization. For notification purposes of if you require further information, please contact the project manager James W. Little, Jr. with this office at (225) 342-3099 or james.little@usace.army.mil. Thank you for your on-going coordination.

To EPA and LDWF, after avoidance and minimization efforts, the applicant will impact approximately 7 acres of jurisdictional wetlands through project implementation. They plan on using the dredged material beneficially, as shown in the attached Beneficial Use of Dredged Spoil Material (BUDM) Plan, thereby creating approximately 84 acres of emergent marsh in the Turners Bay area, south of the project location. CEMVN has evaluated the impacts and determined that the benefits of the spoil material placement to create marsh outweighs the impacts of the project, therefore, compensatory mitigation will not be assessed at this time. Please review the attached BUDM and draft permit and provide use with your concurrence and/or comments. Thank you.

James W. Little, Jr.
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